THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5425 OF 1999

21.02.2006

Between:

Mohd. Mubenur Rahman, S/o.Abdul Rahman

And others

… Petitioners

AND

The General Manager, South Central Railway, Secunderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5425 OF 1999

ORDER:

The four petitioners filed the instant writ petition seeking a writ of Mandamus directing the respondents not to interfere, demolish or dispossess the petitioners from the house bearing No.3-1-282 situated at Teliguda, Tripalle Mandal, Adilabad District. They also seek a further direction to respondents to initiate proceedings under the Land Acquisition Act, 1894 (the Act, for brevity).

It is the case of the petitioners that their father purchased the land in 1939 A.D. and constructed a house thereon. In 1948, according to the petitioners, the first respondent requested the P.W.D. department to acquire the land for a railway yard. An amount of Rs.2,958/- was fixed as compensation for the land and house. The petitioners allege that the compensation was not paid to the owners, but the same was deposited in the Tahsil Office, Adilabad. The petitioners also allege that though their father requested to enhance the compensation, so far it was not done. It is further alleged by the petitioners that the first respondent is repeatedly issuing encroachment notices and threatening to demolish the house and therefore, the present writ petition is filed.

Even according to the petitioners, the land was acquired in 1948 and the

compensation amount was deposited with the Tahsildar, Adilabad. The petitioners or their predecessors in title waited almost for five decades, and filed the present writ petition in March 1999. Delay in seeking redressal defeat the rights. The delay and laches on the part of the petitioners is not properly explained except stating that they have been pursuing with the railway authorities and revenue authorities for enhancement of the compensation. As the land was acquired under the Act, nothing prevented the petitioners to seek reference to the civil court within the stipulated time. Mere making application to the Tahsildar in 1948 does not revive the extinguished right of the petitioners nor resurrect such right after five decades. Further, it is brought to the notice of this Court by the learned Standing Counsel for the Railways that the land was taken into possession by the Railways and the railway yard has already been established.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

February 21, 2006

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